

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jane Doe,

Case No. 2:20-cv-459

Plaintiff,

Judge Graham

v.

Magistrate Judge Litkovitz

Andrew K. Mitchell, et al.,

Defendants.

Order

This civil rights action brought under 42 U.S.C. § 1983 is before the Court on defendants' objections to the Magistrate Judge's Report and Recommendation (doc. 24). The Magistrate Judge recommended that the Court grant plaintiff's motion for leave to proceed pseudonymously on the grounds that plaintiff, who alleges that she was raped twice by a City of Columbus police officer while he was on duty as a member of the vice unit, has shown that her privacy interests substantially outweigh the presumption of open judicial proceedings. *See Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004) (stating that a court should consider whether the plaintiff seeking anonymity is challenging governmental activity and whether prosecuting the suit will compel plaintiff to disclose information "of the utmost intimacy").

Upon *de novo* review, the Court fully agrees with the Magistrate Judge's thorough and well-reasoned Report and Recommendation and hereby adopts her determination that plaintiff should be granted leave to proceed pseudonymously and that defendants' motions for judgment on the pleadings (arguing that the complaint must be dismissed because plaintiff has not provided her true name) should be denied.

Defendants' object that plaintiff waited to move to proceed pseudonymously until after she filed her complaint. According to defendants, the complaint was improperly filed (because it did not name the parties under Fed. R. Civ. P. 10(a)), which means that this Court is without jurisdiction to consider plaintiff's motion. The Magistrate Judge addressed this very argument (doc. 24 at PAGEID 94) and the Court agrees that the case on which defendants rely, *Citizens for a Strong Ohio v. Marsh*, 123 Fed. App'x 630, 636–37 (6th Cir. 2005), is distinguishable because the anonymous plaintiffs in *Marsh* never filed a motion to proceed under a pseudonym. Defendants have not demonstrated any error in

the Magistrate Judge's conclusions that: (1) defendants have failed to show that plaintiff's motion is untimely, (2) defendants have not been prejudiced by plaintiff's delay in filing her motion, and (3) the Court has discretion to grant or deny the relief plaintiff seeks.

Accordingly, defendants' objections to the Report and Recommendation (doc. 24) are OVERRULED, plaintiff's motion to proceed pseudonymously (doc. 19) is GRANTED, and defendants' motions for judgment on the pleadings (docs. 16 and 18) are DENIED.

s/ James. L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: June 7, 2021